

Draft Council Policy on the Use of Funds Obtained for the Unlawful Demolition or Alteration of Historic Resources

BACKGROUND

Over the last six years there have been four known cases of historic buildings being demolished, or substantially demolished, without permits. In each of these cases, the City Attorney's Office has worked successfully with the Department of Planning, Building and Code Enforcement (PBCE) to obtain a payment or remuneration from the responsible party for this illegal activity. In general, payments that are made to the City as a result of a legal settlement are booked as Attorney's Office Departmental Revenue.

Where historic resources are concerned, the historic preservation community and Historic Landmarks Commission have requested that those funds be allocated to the City of San Jose historic preservation program in the Department of Planning, Building and Code Enforcement. Settlement funds from one of the four cases have been allocated to the program. Without a City Council policy on illegal demolition settlements, the potential allocation of funds received is decided by the City Manager's Office on a case-by-case basis.

PURPOSE

The City of San Jose has a finite number of historic resources. The Historic Landmarks Commission believes that the use of funds received as remuneration from parties responsible for the illegal demolition or alteration of historic resources is a logical and cost effective way to help fund the historic preservation program. This draft policy is intended to ensure the allocation of these funds to the historic preservation program within the Department of Planning, Building and Code Enforcement. The Historic Landmarks Commission recommends that settlement fees resulting from illegal demolition or other unpermitted actions that harm historic resources should be used to enhance and support the preservation of the City's remaining historic resources.

POLICY

It is the policy of the City of San Jose that:

Funds collected from parties responsible for the unlawful demolition or alteration of historic resources shall be allocated to the historic preservation program in the Planning Division of the Department of Planning, Building and Code Enforcement.